

Southeast Alaska, Natives from these five communities were denied rights to land and local resources that Natives enrolled to other village and urban corporations in Southeast Alaska received under ANCSA.

ANCSA prohibits the Native villages in Southeast Alaska from obtaining an administrative and/or judicial solution. Section 11 of ANCSA establishes a general process for determining Native village eligibility for villages outside Southeast Alaska. A completely different process was set forth under Section 16 of ANCSA for determining the eligibility of Native villages in Southeast Alaska. Unlike Section 11, there is no provision in Section 16 providing an appeal right or other procedures for qualification of Southeast Alaska Native villages not included in the original list.

Appeals to the Alaska Native Claims Appeal Board of the U.S. Department of the Interior in 1974 and 1977, on behalf of Natives enrolled to the villages of Haines, Tenakee and Ketchikan were denied based on a narrow, technical reading, of ANCSA Section 16. The Appeals Board ruled that Section 16 prevents the Board from even considering whether "unlisted" Southeast villages could be determined eligible for benefits, thus precluding any administrative or judicial redress.

In 1994, a congressionally directed study determined the omission of these Southeast Alaska Native villages from ANCSA to be erroneous. In 1993, the Federal government contracted with the Institute of Social and Economic Research (ISER) at the University of Alaska, Anchorage, to prepare a report on the status of these villages. ISER presented its report to Congress in February 1994, concluding that the eligibility requirements for villages eligible to form Native corporations were met by the Native communities of Haines, Ketchikan, Petersburg, Tenakee and Wrangell. The report notes that, with the exception of Tenakee, the communities appeared on early versions of Native village lists, and their subsequent omission was not clearly explained in any provision of ANCSA nor in the accompanying legislative history. In short, the ISER report found no distinction between the five communities and other Southeast Alaska communities listed in Section 16, and thus no justification for omission of these five Southeast Native communities from ANCSA.

A solution to the myriad of issues that have prevented a resolution to this situation has presented itself in past congressional sessions. These past legislative attempts have failed for a variety of reasons outside the control of the Southeast Alaska Native villages. My legislation addresses these issues and seeks to build a solid, bipartisan coalition of support among key members of Congress, the Administration, and other outside interest groups. The legislation presents a compromise that has been favorably received by the affected villages, Sealaska Corporation, the state and others. The elements of the compromise include the following:

The Native residents enrolled to the five Native villages will be allowed to organize five urban corporations, one for each unrecognized community.

The newly formed Corporations would be provided the following compensation package:

The Congress would recognize the five communities as Alaska Native Villages, pursuant to the Alaska Native Claims Settlement Act.

The Secretary of the Interior would offer, and the Urban Corporation for each community could accept, the surface estate to approximately 23,000 acres of forest lands.

Sealaska Corporation, the Native Regional Corporation for Southeast Alaska, would receive title to the subsurface estate to the designated lands.

The Urban Corporations for each community would receive a lump sum payment to be used as start-up funds for the newly established Corporation.

The Secretary of the Interior would determine such other appropriate compensation to redress the inequities faced by unrecognized communities for the past 30+ years.

I thank my colleagues and urge your support for this important legislation for five Southeast Alaska communities.

#### TRIBUTE TO MS. CYNTHIA DUNN KEARLY

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor a teacher who has made an impact on our community through selfless dedication and commitment to her students. Ms. Cynthia Dunn Kearly is a special education teacher at Douglas MacArthur Elementary School in Alexandria, Virginia. But to her students and their families, she is much more than that. An educator with gifts of creativity and passion, Ms. Kearly serves as an inspiration for what great instructors can offer.

At Douglas MacArthur Elementary School, Ms. Kearly is regularly asked to take students with special needs and foster in them confidence and success. Her work with students has not only earned her the respect of parents and her colleagues, but has also won her numerous accolades locally and nationwide. As an educator in the Alexandria City Public School system, Ms. Kearly was a recipient of the Harry Burke Award for Outstanding Performance in Special Education. This honor has been bestowed on many great teachers and Ms. Kearly's selection follows perfectly in this tradition.

Additionally, Ms. Kearly's exemplary work is being recognized nationally as well. She is one of three teachers nationwide to be awarded the 2005 Commonwealth Academy Recognition for Educators (CARE) Award. The CARE award recognizes outstanding educators who have made significant contributions to leaving no child behind in their local communities. The focus of the award is to highlight teachers who work with students that have organizational, attention and learning challenges. To her coworkers and supervisors, there is little doubt that Ms. Kearly is a worthy recipient. The Superintendent of Schools for the City of Alexandria has said about her that "She truly exemplifies the kind of professional who should be recognized and honored for her great work with special needs students."

Mr. Speaker, I am proud to have Ms. Kearly teach within Virginia's Eighth Congressional District. She is transforming lives with her selfless dedication to serving young people in our community. I often remind friends and neighbors that good teachers are among our great-

est assets in Northern Virginia. For this reason, we must take opportunities to encourage our best and brightest to commit themselves to this service, but also to thank the men and women already giving so much of themselves.

#### TRIBUTE TO THE LATE MARK ELMORE

#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2005*

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to Mark Elmore of Olathe, who worked and guided Johnson County Developmental Supports, JCDS, for 27 years. Sadly, Mark Elmore died Sunday, May 15, at the age 61. I knew Mark Elmore. He was a good and decent man.

Based in Lenexa, JCDS is a comprehensive community service agency that supports Johnson County people of all ages with mental retardation and other developmental disabilities, along with their families. It provides direct services to more than 500 individuals daily. Elmore joined the agency as executive director in 1978. His leadership moved the agency from a period in the late 1970s, when staff cutbacks were a reality and financial stability was threatened, to the steady growth and fiscal solvency JCDS enjoys today.

Annabeth Surbaugh, chairman of the Johnson County Board of Commissioners, led the Johnson County community in mourning the death of this dedicated and well respected leader. As she stated publicly on learning of his death, Mark Elmore's commitment to JCDS was total. He took tremendous pride in the accomplishments of JCDS, leading the highly recognized agency through nine consecutive 3-year national accreditation awards. His self-imposed job description included doing whatever was needed to provide the best services and programs to consumers with special needs to enhance their overall quality of life.

Chairman Surbaugh noted that in the early years of developing JCDS, Elmore was known to have taken clients into his own home, to visit them in their homes and at work, and to even shovel snow off sidewalks outside the facility to ensure the safe arrival of both staff and consumers. "Johnson County has lost a great man with a great heart and a great friend. Mark Elmore was a man of high principles. His encouragement, dedication, and compassion for the special-needs community set an example for all of us," Surbaugh said. "He was the heart and soul of JCDS."

Mark Elmore also was well known throughout the state of Kansas, becoming a driving force in creation of developmental disability programs and legislation in the state. Elmore was a key player in the development and implementation of the 1995 Developmental Disability Reform Act, which emphasized opportunities for integration and inclusion in community life. Changes ushered in by the Act have resulted in a continued expansion of services and supports at the local level, and the advance of what has now become a coordinated network of individual and agency service providers, which in Johnson County now serves nearly 1,000 individuals and families.

In a statement, Gayle Richardson, chairperson of the JCDS Governing Board, spoke